

Appl. No. 09/938,184  
Amdt. Dated March 15, 2006  
Submission Accompanying Request for Continued Examination

Docket No. CM04642H P01  
Customer No. 22917

### REMARKS/ARGUMENTS

Applicants have amended Claim 12. No new matter was added by these amendments. Claims 12-18 remain in this application. Applicants respectfully request that the Examiner reconsider this application in view of the above amendments and these remarks and arguments.

The Examiner has rejected Claims 12-13 and 17-18 under 35 U.S.C. 102(b) as being anticipated by Mulford, USPN 5,301,232. Applicants traverse these rejections.

Mulford discloses a method and apparatus for over-the-air re-keying of electronic devices. A Key Management Controller (KMC) monitors channel activities to determine whether communication devices are using old encryption information. Upon determining that one or more communication devices are using such old information, the KMC provides these devices with new encryption information (Abstract). No manual key delivery device is used in the Mulford reference to update the communication devices, only the centralized key management facility or KMC. Thus, Mulford fails to disclose the limitations recited in amended Claim 12 and included by dependency in Claims 13 and 17-18 of "*receiving by a manual key delivery device from a centralized key management facility that is remote from the manual key delivery device, one or more key management messages including indicia of respective target communication devices that are to receive the key management messages; operably connecting the key delivery device to one or more candidate encryption devices; determining, by the key delivery device upon connecting to the one or more candidate encryption devices and based on the indicia included in the one or more received key management messages, which ones of the candidate encryption devices are target encryption devices; and delivering, from the key delivery device, one or more key management messages to the candidate encryption devices determined by the key delivery device to be target encryption devices.*"

Based on the above argument that Mulford fails to disclose all of the limitations recited in Claim 12 and included by dependency in Claims 13 and 17-18, Applicants believe that the Mulford reference does not anticipate Claims 12-13 and 17-18. Applicants, therefore, request that the Examiner remove the §102 rejections of these claims based on this reference.

The Examiner has rejected: Claims 12-15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Steinbrenner, (USPN 5,093,860), in view of Gilhousen, (USPN 4,613,901); Claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Mulford in view of Doiron,

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(USPN 5,481,610); and Claim 16 under 35 U.S.C. 103(a) as being unpatentable over Mulford in view of Press, (USPN 5,745,572). Applicants traverse these rejections.

The primary reference Steinbrenner (used as the basis for rejecting independent Claim 12) teaches a key management system that uses both a key management controller (KMC) and a remote key variable loader (KVL) (Abstract). A user of the KVL requests information from the KMC. The KMC passes key data to the KVL, which the KVL transfers to a radio or other encryption unit (col. 2, lines 41-53 and 59-61). Applicants continue to argue that neither this reference nor any of the other references including the Gilhousen reference teaches the limitations recited in Claim 12 and included by dependency in Claims 13-18 that key management messages received by the manual key delivery device from the centralized key management facility "includes indicia of respective target communication devices that are to receive the key management messages" and that upon connecting to candidate encryption devices "and based on the indicia included in the one or more received key management message", the key delivery device determines "which ones of the candidate encryption devices are target encryption devices" and delivers the key management messages to the determined target encryption devices.

The Examiner, on page 7 of the November 15, 2005 Office Action, relies on the Examiner's arguments as stated in an Office Action dated May 22, 2001 relating to the parent case because the Examiner states that "Claim 12 is substantially the same claim as that of claim 1 of applicant's previously filed application 09/387,546". Applicants however, believe that the limitations included in amended Claim 12 of the current application distinguish this claim from the teachings of all of the cited references. In support of the argument against allowing Claim 12, the Examiner cites language from the May 22, 2001 Office Action, which states in pertinent part "What was incorporated into Steinbrenner from Gilhousen was the feature of storing, in a key delivery device, a record identifying target encryption devices. . . Gilhousen features a list that defines groups of subscribers having a common grade of service. This feature alone could determine if an encryption device is a target device".

Applicants have, however, amended Claim 12 to read "*receiving by a manual key delivery device from a centralized key management facility that is remote from the manual key delivery device one or more key management messages including indicia of respective target communication devices that are to receive the key management messages*". This feature of

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Claim 12 that the key management messages having the indicia are *received by the manual key delivery device from the centralized key management facility* is something that is not taught in Gilhousen (or in any of the other references, i.e., Mulford, Doiron and Press). Besides the subscriber television units that receive key signals, the only other device mentioned in Gilhousen for generating and forwarding the key signals is a "scrambling system" that includes a plurality of functional blocks for generating "[a] scrambled television signal, [an] initialization vector, and [a] plurality of encrypted category key signals" that the scrambling system then "broadcast[s] to the descramblers" of the television units (FIG. 1, FIG. 5, Abstract). Therefore, since the scrambling system is remote from the television units, it can be likened to the centralized key management facility recited in Claim 12. Accordingly, although Gilhousen may be read to suggest that a centralized key management facility (c.g., the scrambling system) has some means of knowing which television units require which information including particular key signals, since the system disclosed in Gilhousen does not include a manual key delivery device, this reference fails to teach that the centralized key management facility sends "key management messages including indicia of respective target communication devices that are to receive the key management message" that are first "receiv[ed] by a manual key delivery device" as is recited in Claim 12 and included by dependency in Claims 13-18.

For these reasons, Applicants believe that no combination of references cited by the Examiner renders obvious Claims 12-15 and 17 and that the Examiner should therefore remove the §103 rejections of these claims.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

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In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

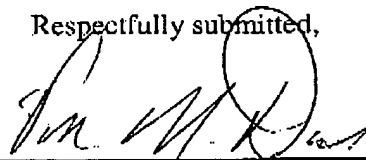
Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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Schaumburg, IL 60196  
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Attachments